



STATE OF CONNECTICUT

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – February 28, 2008
Commerce Committee

Testimony Submitted by Commissioner Gina McCarthy
Department of Environment Protection

Raised Bill No. 5589 AN ACT CONCERNING BROWNFIELDS

Thank you for the opportunity to present testimony regarding Raised Bill No. 5589 AN ACT CONCERNING BROWNFIELDS. The Department certainly supports establishing incentives for brownfield redevelopment, but the bill needs additional work in order to create good public policy and streamlined process.

This bill has four sections. The focus of the Department's testimony is on Section 1.

Section 1 proposes a grant program to be administered by DECD for grants to municipalities, economic development authorities, and nonprofit, community or economic development corporations. The grant recipients could use the grants for any development project. The bill also proposes that grant recipients and the subsequent purchaser be shielded from any liability provided the property was remediated to state standards.

DEP is supportive of the concept of giving municipalities - who acquire derelict properties through tax foreclosure and who seek to convey the property to a subsequent owner - protection from environmental cleanup liability for releases not caused or made worse by the municipality, as long as the subsequent owners have an enforceable obligation to cleanup contamination.

However, section 1 of the bill as drafted is overly broad. For instance, the liability protection could apply to any property, regardless of whether it is a brownfield, or regardless of whether the grant was used to conduct environmental investigation or cleanup actions. Also, the type of liability is not defined, thus could have many unintended consequences. Finally, the concept of having a contaminated property cleaned up needs greater specificity to establish a mechanism, timing and satisfaction of the specific state regulations for remediation. We believe these issues can be corrected with precise drafting. For example, the bill should specify municipal tax foreclosures mechanisms to be covered, the specific liability intended to be addressed, and the specific conditions that apply to obtaining liability protection. Such type of detail was carefully set forth in legislation in 2006 (06-184) that established a pilot program for remediating brownfield sites in four target communities (extended to five communities in 2007).

The Department is willing to work with the committee to refine the bill, section 1, to provide incentives for municipalities to address derelict brownfield sites, ensure the public receives the environmental protection benefits intended, and to keep intact other existing mechanisms that promote environmental protection and public health in our cities and towns.

Thank you for the opportunity to present testimony on this bill. If you should require any additional information, please contact Tom Tyler at 424-3099 or Robert LaFrance at 424-3401.